REMARKS

Claims 1, 14, and 21 have been amended. Applicant respectfully submits that the amendments do not add new matter. Claims 1-24 are pending.

Claim Rejections Under 35 U.S.C. § 103(a)

The Office rejected claims 1-4, 14, 15, 21, 22, and 23 under 35 U.S.C. § 103(a) as being unpatentable over Wang et al. (U.S. Patent No. 6,834,326)("Wang") in further view of Long (U.S. Patent No. 5,890,014)("Long"). Further, the Office rejected claims 5-13, 16-20, and 22 over Wang in further view of Long in further view of Hwang et al. (U.S. Patent No. 6,339,599)("Hwang"). Applicant respectfully traverses these rejections and any suggestions associated with those rejections. As discussed below, Applicant respectfully submits that the cited prior art references individually or in combination do not disclose or suggest all of the features of the claimed invention as is required to support a prima facie case of obviousness.

The Office cites column 15, lines 21-67 of Wang as disclosing a key data pattern including a key header and a pattern. Applicant respectfully traverses this suggestion. The cited portion of Wang discusses the generic workings of SCSI. In contrast, the claimed invention includes generating a key data pattern. Applicant respectfully submits that the Office is utilizing hindsight to support the obviousness rejection because the cited portion of Wang does not disclose or indicate that a key data pattern is used. Applicant respectfully submit that "impermissible hindsight must be avoided and the legal conclusion must be reached on the basis of the facts gleaned from the prior art." (M.P.E.P. section 2142)(Emphasis added.) As the cited portion

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of Wang only appears to discuss generic SCSI standard, Applicant submits that Wang does not discuss or suggest usage of a key data pattern.

In addition, Applicant respectfully submits that the cited portion of Wang does not disclose or suggest writing the key data pattern to an echo buffer and reading the key data pattern from the echo buffer. The portions of Wang cited by the Office generally discuss that disks can be autoconfigured and that addresses of the disks can be sent to the RAID controller and vice versa but does not disclose or suggest usage of a key data pattern. Applicant respectfully submits that the Office appears to be using hindsight instead of examining the cited prior art to see if the cited prior art discloses or suggests the features of the claimed invention.

In addition, the Office further cites to column 3, lines 27-39 of Long and generically states that it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Wang to include a means to control the speed in which data is transferred. Applicant respectfully submits that Long matches I/O request patterns to a corresponding set of data storage device performance setting parameters (See Long, Abstract). Long defines patterns as being the transfer size of the I/O request, the number of I/O requests issued in a given time period, whether a request is frequently repeated, whether there are significantly more read requests than write requests, absolute media position of the requests, and any absolute address periodicity pattern. Therefore, Long appears to utilize certain traits of particular I/O operations to optimize data transfer. Therefore, Applicant respectfully submits that the cited portions of Long and/or Wang do not disclose or suggest how throughput capability of the physical connection can be determined through the writing and reading of key data pattern.

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In addition, the independent claims as amended include the feature of determining whether the key data pattern read from the echo buffer includes a byte miscompare. Applicant respectfully submits that the cited portions of Long and/or Wang do not disclose or suggest this feature. Therefore, Applicant respectfully submits that the cited portions of Long and Wang, individually or in combination do not disclose or suggest all of the features of the claimed invention as is required to support a prima facie case of obviousness. Therefore, Applicant respectfully requests that the section 103 rejection be withdrawn with respect to independent claims 1, 14, and 22.
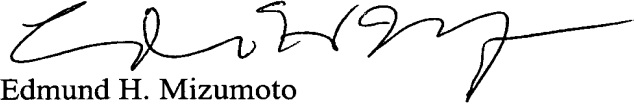
With respect to the Hwang reference, Applicant respectfully submits that Hwang is directed to a collision detecting method at the physical layer in a discrete multitone data communication network. (See Hwang Abstract). Hwang teaches usage of a time mark distortion to generate a new ID modulated based on the time mark distortion. In contrast, the claimed invention includes the feature of examining of the key data pattern with a key header and a pattern to determine whether there was a byte miscompare. As a result, Applicant respectfully submits that Hwang does not disclose or suggest this feature. Moreover, Applicant respectfully submits that Hwang does not remedy the deficiencies of Wang and Long as discussed above. Applicant therefore, submits that the cited portions of Wang, Long, and Hwang, independently or in combination do not disclose or suggest all of the features of the claimed invention.

In addition, for at least the reasons discussed above, Applicant respectfully submits that dependent claims are allowable for at least the same reasons as the independent claims.

Applicant respectfully requests a Notice of Allowance based on the foregoing remarks. If the Examiner has any questions concerning the present amendment, the Examiner is kindly requested to contact the undersigned at (408) 774-6927. If any other fees are due in connection with filing this amendment, the Commissioner is also authorized to charge Deposit Account No. 50-0805 (Order No. ADAPP137). A copy of the transmittal is enclosed for this purpose.

Respectfully submitted,
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